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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,621	07/13/2006	Peter Rohrig	CU-4725 RJS	4323

26530 7590 03/16/2010  
LADAS & PARRY LLP  
224 SOUTH MICHIGAN AVENUE  
SUITE 1600  
CHICAGO, IL 60604

EXAMINER
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WEAVER, SUE A

ART UNIT	PAPER NUMBER
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3781

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03/16/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,621	<b>Applicant(s)</b> ROHRIG, PETER	
	<b>Examiner</b> Sue A. Weaver	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10,13-29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10,13-29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The drawings were received on 12/30/09. These drawings are accepted.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-7,9,10,13-29 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the bottom-side region and the teat-side region" in line 5. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 2 recites "a cap" in the last line. This appears to be a double inclusion of the base cap in claim 1 as applicant hasn't established a clear relationship between the two.
6. The claim for "a sleeve cap" in line 2 of claim 3 appears to be a double inclusion of a cap in claim 2 for the same reason .
7. Claim 7 recites the limitation "the cup-shaped design" in the line 2. There is insufficient antecedent basis for this limitation in the claim.
8. Claims 1-7, 9, 10, and 28 insofar as they are definite are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisgaard et al '491 in view of Brown et al '801, of record.
9. Bisgaard et al teach a bottle open at both ends and having threads to receive a sleeve cap to hold the teat and a base cap with an air intake valve, as claimed. To have alternately formed the bottle of Bisgaard et al of a conical shape which widens toward the bottom would have been obvious in view of Brown et al.

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10. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Renz '228, of record.

11. To have formed the teat or nipple with a greater thickness in the shaft to simulate natural nursing in the manner of Renz would have been obvious.

12. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 14 above, and further in view of Barr et al '569.

To have provided the nipple with ribs to prevent nipple collapse would have been obvious in view of Barr et al.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Sakashita '938.

To have designed the nipple with the shape of Sakashita would have been obvious.

14. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 14 above, and further in view of Randolph '121, of record.

15. To have formed the nipples with a textured surface would have been obvious in view of Randolph.

16. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Gu ;323, of record.

To have formed the nipple of a TPE in the manner of Gu would have been obvious..

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17. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 29 above, and further in view of Ida et al '850, of record.

To have molded the bottle from a transparent polypropylene would have been obvious in view of Ida et al.

18. Applicant's arguments, see page 11 of the amendment, filed 12/30/09, with respect to the objection to the abstract and drawings have been fully considered and are persuasive. The objections to the abstract and of the drawings have been withdrawn.

19. Applicant's arguments with respect to claims 1-7,9,10,13-29 and 31 have been considered but are moot in view of the new ground(s) of rejection. Claims 8, 11, 12 and 30 have been canceled

20. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is (571) 272-4548. The examiner can normally be reached on Tuesday-Friday (5:30-4).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor is Anthony Stashick\_. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sue A. Weaver/  
Primary Examiner, Art Unit 3781  
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